

CITY COUNCIL
CITY OF WICHITA
KANSAS

City Council Meeting
9:00 A.M., May 4, 2004

City Council Chambers
455 North Main

ORDER OF BUSINESS

- Call to Order
 - Invocation
 - Pledge of Allegiance
 - Approve the minutes of the April 15, 2004 Special Meeting and the minutes of the April 20, 2004 Regular Meeting.
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AWARDS AND PRESENTATIONS

- Proclamations
 - Recognition of Student Ambassadors to Cancun, Mexico.
-

PUBLIC AGENDA

- 1. Pat Lehman-ZON 2004-06-Zone Change.
-

UNFINISHED BUSINESS

- 2. Repair or Removal of Unsafe Structures:
 - a) 643 North Gordon. (District VI)
 - b) 6155 South Kansas (District III)

RECOMMENDED ACTION: Close the Public Hearing, adopt the resolutions declaring the buildings dangerous and unsafe structures, and accept the BCSA recommended action to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structure. Any extensions of time granted to repair the structure would be conditioned on the following:
(1) all taxes have been paid to date, as of May 4, 2004;
(2) the structures have been secured as May 4, 2004 and will continue to be kept secured, and (3) the premises are mowed and free of debris as of May 4, 2004 and will be so maintained during renovation.

3. Resolution Designating Official Newspaper.
(April 6, 2004)

RECOMMENDED ACTION: Adopt the Resolution designating the Wichita Eagle as the City of Wichita's official newspaper.

4. Health and Benefit Consultant Contract.
(Deferred from April 20, 2004)

RECOMMENDED ACTION: 1. Approve the contract and authorize the appropriate signatures, or

2. Approve the contract, authorize the appropriate signatures and appoint two City Council members to serve on the Health Advisory Committee during the selection of 2005 health insurance plan.

5. ZON2004-06 - Zone change from "SF-5" Single-family Residential to "LI" Limited Industrial with a Protective Overlay District to Limit Permitted Uses and Provide Screening/Buffering, Generally Located South of 37th Street North and west of Broadway. (District VI)
(Deferred from April 20, 2004)

RECOMMENDED ACTION: 1. Concur with the findings of the MAPC and approve the zone change subject to the recommended provisions of Protective Overlay District #133; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council; or

2. Return the application to the MAPC for reconsideration

NEW BUSINESS

6. Visioning Partnership Project.

A request has been made to the City of Wichita to participate in the development of a community visioning process for the greater Wichita area. The City of Wichita is being asked to support a strategic visioning process to assist past leaders and newly emerging leaders with defining a direction for the greater Wichita community.

RECOMMENDED ACTION: Authorize participation in the visioning process; approve funding; and authorize the necessary signatures for the Memorandum of Understanding.

7. Public Hearing and Issuance of Health Care Facilities Refunding Revenue Bonds - Presbyterian Manors, Inc.

RECOMMENDED ACTION: Close the public hearing; approve first reading of the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Health Care Facilities Refunding Revenue Bonds to Presbyterian Manor, Inc., in an amount not-to-exceed \$24,000,000; approve the Bond Purchase Agreement; authorize necessary signatures; and set second reading of the Ordinance for May 18, 2004.

(9:30 a.m. or soon thereafter)

8. Repair or Removal of Dangerous & Unsafe Structures. (Districts I, III, IV and VI)

On March 16, 2004 a report was submitted with respect to the dangerous and unsafe conditions on five (5) properties. The Council adopted resolutions providing for a public hearing to be held on these condemnation actions at 9:30 a.m. or as soon thereafter, on May 4, 2004. On March 1, 2004, the Board of Code Standards and Appeals (BCSA) held a hearing on the following properties:

<u>Property Address</u>	<u>Council District</u>
a. 4229 East Whitney	III
b. 319 South Erie	I
c. 1225 South Vine	IV
d. 1330 South Millwood	IV
e. 3015 North Park Place (Front)	VI

RECOMMENDED ACTIONS: Close the public hearing, adopt the resolutions declaring the buildings dangerous and unsafe structures, and accept the BCSA recommended action to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structure. Any extensions of time granted to repair the structure would be conditioned on the following: (1) All taxes have been paid to date, as of May 4, 2004; (2) the structures have been secured as May 4, 2004 and will continue to be kept secured, and (3) the premises are mowed and free of debris as of May 4, 2004 and will be so maintained during renovation.

9. Pave Florence from Esthner to Bounous. (District IV)

The signatures on the Petition represent (4) four of (7) seven (57.14%) resident owners and 52.99% of the improvement district area. District IV Advisory Board sponsored an April 7, 2004, neighborhood hearing on the project. The Board voted 8 to 0 to recommend approval of the project.

RECOMMENDED ACTION: Approve the Petition, adopt the Resolution and Authorize the Staff Screening & Selection Committee to select a design engineer.

10. Sanitary Sewer to Serve an Area Along Hidden Lakes Road, West of Maize. (District V)

An area along Hidden Lakes Road, west of Maize contains six homes on private septic tank systems. Health Department Officials have indicated that failing private sewer systems may pose a public health risk.

RECOMMENDED ACTION: Approve the project, adopt the Resolution and authorize Staff Screening & Selection Committee to select a design engineer.

11. Sanitary Sewer to Serve an Area of the East Side of Evergreen, Between Maple and 2nd Street. (District V)

The area on the east side of Evergreen, between Maple and 2nd is developed with single-family homes on private septic tank systems. Health Department Officials have indicated that failing private sewer systems may pose a public health risk.

RECOMMENDED ACTION: Approve the project, adopt the Resolution and authorize the Staff Screening & Selection Committee to a design engineer.

12. Sanitary Sewer Main to Serve an Area Generally Bounded by the Wichita Valley Center Flood Control Ditch, the Kansas Southwestern Railroad Tracks and 25th Street. (District V)

The City's Capital Improvement Program includes an ongoing project to extend sanitary sewer service to newly developing areas. The proposed project is the result of a sewer extension and service study of a large area in Northwest Wichita called Basin 4.

RECOMMENDED ACTION: Approve the project and adopt the Resolution. necessary signatures.

13. Proposed Off-Site Billboard Sign Moratorium and Proposed Code Review Process for Sign and/or Zoning Code Amendments.

RECOMMENDED ACTION: Adopt the six-month off-site billboard sign moratorium and the Resolution; and approve the recommended process for sign and/or zoning code review/amendment during the moratorium period.

CITY COUNCIL AGENDA

14. Board Appointments.

RECOMMENDED ACTION: Make the appointments.

15. Approval of Travel Expenses for Mayor to Attend U.S. Conference of Mayors Annual Meeting in Boston, MA, June 25-29, 2004.

RECOMMENDED ACTION: Approve the expenditures.

CONSENT AGENDA

16. Report of the Board of Bids and Contracts Dated May 3, 2004.

RECOMMENDED ACTION: Receive and file report; approve Contracts; authorize necessary signatures.

17. Application for Licenses for Adult Entertainment Establishments/Services:

New Escort Services

Vicki Maness	Models on Call	1123 East Douglas
Saundra J. Lacy	Prime Time Entertainment	333 East English

RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

18. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2004</u>	<u>(Consumption on Premises)</u>
Troy C. Hendricks	Auburn Hills Golf Course*	443 South 135th Street West
Paul A. Eck	Family Home Association, Inc.*	3202 West 13th Street
Miguel Reyes	Rostizeria Los Reyes*	512 West 21st Street
<u>Renewal</u>	<u>2004</u>	<u>(Consumption off Premises)</u>
Jayestha Patel	Shiva, LLC	223 East 21st Street North
Jayestha Patel	Shiva, LLC	1826 West 13th Street North
Kim T. Huynh	Kim Son Asian Food Market	960 East Pawnee
<u>New Operator</u>	<u>2004</u>	<u>(Consumption off Premises)</u>
James D. Brown	Conoco Convenience Mart #600	433 South Greenwich
<u>New Establishment</u>	<u>2004</u>	<u>(Consumption off Premises)</u>
Mike Bidwell	Dillons #81	13415 W. Maple

(item 18 continued)

Vincent 'Awulunu

VinRose African Market, Inc.

1315 East Lincoln

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

19. Preliminary Estimates:

- a) Driftwood from the east line of Meridian Avenue to the east line of Blue Harbor; Driftwood Court adjacent to Lots 1 to 21, Block 1, and Captiva from the south line of Driftwood to the south line of Harbor Isle Third Addition; Sidewalk along one side of Driftwood to serve Harbor Isle Third Addition - south of 53rd Street North, east of Meridian. (472-83237/765842/490953) Does not affect existing traffic. (District VI) - \$820,000
- b) 2004 sanitary sewer reconstruction, Phase 4 - various locations north of Harry, between West Street and 143rd Street East. (468-83778/620402/664522) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II, III, IV, VI) - \$360,000
- c) Traffic signalization at Central Park & Maize - Central Park & Maize, north of 21st & Maize. (472-83957/765858/490969) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$90,000
- d) Traffic signalization at 21st Street North & Regency Lakes - 21st & Regency Lakes, west of 21st & Greenwich. (472-83954/765859/490970) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$140,000
- e) Lateral 358 Four Mile Creek Sewer to serve Crestview Country Club Estates Overbrook 5th Addition - north of Central, east of 143rd Street East. (468-83709/744043/480731) Does not affect existing traffic. (District II) - \$85,000
- f) Water distribution system to serve Crestview Country Club Estates Overbrook 5th Addition - north of Central, east of 143rd Street East. (448-89882/735177/470847) Does not affect existing traffic. (District II) - \$31,000
- g) Aley Mini City Hall Lighting (CDBG) (Seneca and Esthner) (472-83988/602529/800301/010180) Does not affect existing traffic. (District IV) - \$13,951
- h) Bracken Circle serving Lots 1 through 14, Block 5, from the south line of Zimmerly to and including the cul-de-sac; Zimmerly Court serving Lots 15 through 33, Block 5, from the south line of Zimmerly to and including the cul-de-sac to serve Woodland Lakes Estates Third Addition -north of Harry, west of 127th Street East. (472-83716/765848/490959) Does not affect existing traffic. (District II) - \$261,960
- i) Kellogg (US 54) and Rock Road, Part 5: Grading, Concrete Pavement, Utilities, Temporary Seeding and Lighting between Rock Road and KTA north of existing Kellogg Avenue (472-83970/702335/401351) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$1,400,000
- j) Storm Water Drain #225 to serve Regency Lakes Commercial Second Addition - north of 21st Street North, west of Greenwich. (468-83775/751362/485253) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$427,000

RECOMMENDED ACTION: Approve and file.

20. Deeds and Easements:

- a) Dedication dated April 9, 2004 from Newmarket V, LLC for a tract of land located in the Northeast Quarter of Section 6, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas (29th, Maize to 119th, OCA #706858). No cost to city.
- b) Dedication dated April 9, 2004 from Socora Village Company for a tract of land located in the Northeast Quarter of Section 6, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas (29th, Maize to 119th, OCA #706858). No cost to city.
- c) Dedication dated April 9, 2004 from Newmarket V, LLC for a tract of land located in the Northeast Quarter of Section 6, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas (29th, Maize to 119th, OCA #706858). No cost to city.

RECOMMENDED ACTION: Accept documents.

21. Petitions for Public Improvements: Pave 27th Street South from Exchange Place to McLean. (District IV)

RECOMMENDED ACTION: Approve Petition and adopt Resolution.

22. Consideration of Street Closures/Uses.

RECOMMENDED ACTION: Approve street closures/uses.

23. Agreements/Contracts:

- a) Summer of Discovery Transportation Services.
- b) Agreement to respread assessments: Regency Lakes Commercial Second Addition, north of 21st Street North, west of Greenwich Road. (District II)
- c) Contract for consultant services for acquisition and relocation: Hillside from Kellogg to Central. (District II)
- d) Summer of Discovery Roller Skating Field Trip.
- e) Summer of Discovery Cosmic Bowling Field Trip.
- f) Construction engineering and staking in Harbor Isle Third Addition, east of Meridian, south of 53rd Street North - Supplemental. (District V)
- g) Relocation of utilities along 27th Street South, west of McLean. (District IV)
- h) Railroad permits for Old Lawrence Road Water Main Extension Project located north of 37th Street North, and east of Broadway. (District VI)
- i) Agreement for access easement-Old Town BBQ Property. (District VI)

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

24. Design Services Agreements:

- a) Southern Ridge Addition, south of Pawnee, west of Maize. (District IV)
- b) 2004 arterial street, bike path, park and waterline replacement.

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

25. Change Orders: No. 8: Improvements to Central Riverside Park. (District VI)

RECOMMENDED ACTION: Approve the Change Order; authorize the necessary signatures.

26. Kansas Foodbank Warehouse, Inc. Contract Amendment. (District I)

RECOMMENDED ACTION: Approve the contract amendment and authorize the necessary signatures.

27. Grant with the Kansas Department of Transportation.

RECOMMENDED ACTION: Approve the filing for the Grant; and authorize the necessary signatures.

28. Expense for Senior Management.

RECOMMENDED ACTION: Receive and file.

29. Property Acquisitions:

- a) Easement Equus Beds Groundwater Recharge Project/Harvey County.
- b) Permanent easement over a portion of 12600 West 13th Street North for 13th Street Bridge over Cowskin Creek. (District V)

RECOMMENDED ACTION: Approve the budget and Agreements; authorize the necessary signatures.

30. Sale of Surplus Property Located at 1216 North Poplar. (District I)

RECOMMENDED ACTION: Approve sale and Contracts; authorize necessary signatures.

31. Marketing of Surplus Property at 1st Street and Emporia. (District VI)

RECOMMENDED ACTION: Declare the property surplus and approve the marketing strategy as described.

32. Murdock Bridge over the Little Arkansas River. (District VI)

RECOMMENDED ACTION: Place the amending Ordinance on first reading.

33. Payment of Condemnation Award –Case No. 04-0448-First and Second Streets Outfall Project. (District VI)

RECOMMENDED ACTION: Authorize payment to the Clerk of the District Court in the amount of \$212,611.00 for acquisition of property interests condemned in Case No. 04 CV 0448.

34. Second Reading Ordinances: (First read April 20, 2004)

a) Hydraulic improvement, between 57th Street South and 47th Street South. (District III)

An Ordinance amending Ordinance No. 45-989 of the City of Wichita, Kansas, declaring Hydraulic, between 47th Street South and 57th Street South (472-83902) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same.

b) Central, Tyler to Woodchuck and signalization at Socora. (District V)

1) An Ordinance amending Ordinance 45-217 of the City of Wichita, Kansas, declaring Central Avenue, between Tyler and Woodchuck (472-83192) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same.

2) An Ordinance amending Ordinance No. 45-506 of the City of Wichita, Kansas, declaring Central Avenue, between Maize Road and Tyler Road (472-83659) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

c) ZON1001-51 - north of Maple and on the west side of 167th Street West. (County)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. ZON 2001-51

RECOMMENDED ACTION: Adopt Ordinances.

PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

* Consent Items

35. CON2003-48 - Conditional Use for Community Assembly on Property Zoned "SF-5" Single-family Residential, Generally located on the south side of 13th Street North Approximately 1/4 Mile East of Ridge Road. (District V)

RECOMMENDED ACTION: 1. Concur with the findings of the MAPC and approve the Conditional Use to permit community assembly subject to the recommended conditions; or
2. Return the application to the MAPC for reconsideration.

36. *V-2043 - Request to Vacate a portion of the Covington Street Right-of-Way, Generally located Northeast of the 21st Street North – 119th Street West Intersection, more specifically north of the 21st Street North – Parkridge Street intersection. (District V)

RECOMMENDED ACTION: Approve the Vacation Order and authorize the necessary signatures.

37. *VAC2004-10 - Request to Vacate portions of Platted Setbacks, generally located Northwest of 123rd Street East and 21st Street North, along Rosemont Circle, Camden Chase Road and Peckham Court. (District II)

RECOMMENDED ACTION: Approve the Vacation Order and authorize the necessary signatures.

38. *VAC2004-11 - Request to Vacate a portion of a Platted Building Setback and Drainage and Utility Easement, generally located midway between 21st Street North and 29th Street North, east of Woodlawn Boulevard, more specifically southeast of the 25th Street North – Mainsgate Street Intersection, 2609 and 2611 Cameron. (District I)

RECOMMENDED ACTION: Approve the Vacation Order and authorize the necessary signatures.

39. *SUB2003-48 - Plat of Prairie Pointe Addition, located on the north side of 37th Street North, west of Maize Road. (District V)

RECOMMENDED ACTION: Approve the documents and plat; authorize the necessary signatures and adopt the Resolutions.

40. *SUB2003-125 - Plat of Grandview Terrace Second Addition, located east of Hillside, on the north side of Central. (District I)

RECOMMENDED ACTION: Approve the documents and plat; authorize the necessary signatures and adopt first reading of the Ordinance.

41. *SUB2003-141 - Plat of Ysidro Addition, located north of MacArthur, on the east side of Broadway. (District III)

RECOMMENDED ACTION: Approve the Documents and plat; authorize the necessary signatures; adopt the Resolutions and approve first reading of the Ordinance.

42. *SUB2004-30 - Plat of Sisters of St. Joseph Sixth Addition, located east of Hillside, on the south side of Lincoln (Extended). (District III)

RECOMMENDED ACTION: Approve the documents and plat, authorize the necessary signatures, adopt the Resolution and approve first reading of the Ordinance.

43. *ZON2004-07 - Eliminate Restriction #5 of Restrictive Covenant #28 to allow a sign per the Underlying "LC" Limited Commercial Zoning District, generally located north of Maple and West of Ridge. (District V)

RECOMMENDED ACTION: 1. Concur with the findings of the MAPC and eliminate Restrictive Covenant #28 and establish Protective Overlay District #133; place the Ordinance establishing the Protective Overlay district on first reading; or
2. Return the application to the MAPC for reconsideration.

44. *ZON2004-08 - Zone Change from "TF-3" Two-family Residential to "GO" General Office, generally located at the northeast corner of Clifton and Bayley. (District III)

RECOMMENDED ACTION: 1. Concur with the findings of the MAPC and approve the zone change; or
2. Return the application to the MAPC for reconsideration.

AIRPORT AGENDA

NOTICE: The City Council is meeting as the governing body of the Airport for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

45. Ryan International Airlines – Supplemental Agreement No. 4 – Cargo Building.

RECOMMENDED ACTION: Approve the Agreement and authorize the necessary signatures.

HOUSING AGENDA

NOTICE: The City Council is meeting as the governing body of the Housing Authority for consideration and action on items on this Agenda, pursuant to State law, HUD, and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

Inafay Grays-McClellan, Housing Member is also seated with the City Council.

46. Section 8 Housing Choice Voucher Application.

RECOMMENDED ACTION: Approve the Funding Application document to secure 60 Housing Choice Vouchers for residents of Calvary Towers and other Section 8-eligible persons in Wichita.

Adjournment

****Workshop to follow in Board Room****